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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10 **(HON. THOMAS J. WHELAN)**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 **JOSE MACEDO-DE LA CRUZ,**

15 Defendant.

) Case No. 07-CR-3210

) Date: January 28, 2008

) Time: 2:00 p.m.

) **NOTICE OF MOTION AND**
) **MOTION TO:**

) **1) COMPEL DISCOVERY; AND**
) **2) LEAVE TO FILE FURTHER**
) **MOTIONS**

16 TO: KAREN L. HEWITT, UNITED STATES ATTORNEY, and
17 REBECCA S. KANTER, ASSISTANT UNITED STATES ATTORNEY

18 PLEASE TAKE NOTICE that on Monday, January 28, 2008, at 2:00 p.m., or as soon
19 thereafter as counsel may be heard, the defendant, Jose Macedo-De La Cruz, by and through
20 his counsel, Robert L. Swain, will move this Court to grant the above-entitled motions.

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MOTIONS

The defendant, Jose Macedo-De La Cruz, by and through his counsel, Robert L. Swain, and pursuant to Rules 6(e), 12, and 16 of the Federal Rules of Criminal Procedure and the Fourth, Fifth and Sixth Amendments to the United States Constitution, and all applicable local rules, hereby moves this court to

1) compel further discovery; and

2) leave to file further motions

These motions are based upon the attached memorandum, the files and records in the above-captioned matter, and any and all other evidence brought before this court before or during the hearing on this motion.

Respectfully submitted,

Dated: December 14, 2007

/s/ Robert L. Swain

ROBERT L. SWAIN

Attorney for Defendant **Macedo-De La Cruz**